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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-796*

13 **DIANE PAIGE ROBINSON**
14 **5317 Alishire Court**
Virginia Beach, VA 23464

A C C U S A T I O N

15 **Registered Nurse License No. 743284**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On January 27, 2009, the Board of Registered Nursing issued Registered Nurse
24 License Number 743284 to Diane Paige Robinson (Respondent). The Registered Nurse License
25 expired on May 31, 2012, and has not been renewed.

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FIRST CAUSE FOR DISCIPLINE

(Out of State Discipline)

8. Respondent has subjected her Registered Nurse License to disciplinary action under Code section 2761, subdivision (a)(4), in that her Multistate Licensure Compact Privilege Associated With Maryland Registered Nurse License Number R171157, previously issued in the name Diane Paige Robinson, was disciplined by the Texas Board of Nursing (Texas Board) in a disciplinary action, which resulted in Respondent receiving the sanction of a WARNING WITH STIPULATIONS pursuant to Texas Occupation Code (TOC) section 301.452, subdivision (b), which shall apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas and to her nurse licensure compact privileges. The circumstances are as follows.

9. Respondent is a Registered Nurse holding a Multistate Licensure Compact Privilege Associated with the State of Maryland Registered Nurse License Number R171157, which was in current status and in full force and effect at all times relevant to the charges brought.

10. On November 9, 2010, the Texas Board took disciplinary action against Respondent's multistate licensure compact privilege associated with the State of Maryland registered nurse license by ratifying and adopting an Agreed Order pursuant to TOC sections 301.451-301.555, in a matter entitled, *In the Matter of Multistate Licensure Compact Privilege Associated With Maryland Registered Nurse License Number R171157 Issued to DIANE PAIGE ROBINSON, Respondent*. Respondent was found to be involved in unprofessional conduct likely to injure her patients in violation of TOC section 301.452, subdivision (b)(10) and subdivision (b)(13), title 22 of Texas Administrative Code (TAC) section 217.11, subdivision (1)(A), subdivision (1)(B), subdivision (1)(C), and subdivision (1)(D), and title 22 TAC section 217.12, subdivision (1)(A), subdivision (1)(B), and subdivision (1)(C).

11. The facts that led to the charges are that on November 19 through December 3, 2009, while employed as a staff registered nurse with Aureus Medical Group in Omaha, Nebraska and on assignment with Palo Pinto General Hospital in Mineral Wells, Texas, Respondent withdrew from the medication dispensing system and administered Morphine

1 Sulfate IV and Demerol to patients in excess of frequency and dosage of the physician's orders.
2 Respondent also failed to accurately and completely document the administration, including
3 signs, symptoms, and responses to the medications in the patients' medication administration
4 record and nurses notes. On November 27, 2009, Respondent withdrew medications from the
5 medication dispensing system and administered Dilaudid to patients without a valid physician's
6 order.

7 12. On June 18, 2010, the Texas Board filed charges and on June 21, 2010, served a
8 Notice on Respondent in accordance with law. On September 9, 2010, the Board's executive
9 director offered Respondent a sanction Order of WARNING WITH STIPULATIONS. On
10 October 17, 2010, Respondent waived representation by counsel, informal proceedings, notice
11 and hearing, and agreed to the entry of the Order.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Out of State Discipline)**

14 13. Respondent has subjected her Registered Nurse License to disciplinary action
15 under Code section 2761, subdivision (a)(4), in that her license to practice nursing in Maryland
16 was disciplined by the State of Maryland Board of Nursing (Maryland Board) in a disciplinary
17 action, which resulted in her license to be REVOKED. The circumstances are as follows:

18 14. On October 7, 2005, Respondent was issued Registered Nursing License number
19 R171157 to engage in the practice of nursing in the State of Maryland.

20 15. On April 26, 2011, pursuant to the Administrative Procedure Act, Maryland State
21 Government Code (MSGC) section 10-226, subdivision (c)(1) and the Maryland Nurse Practice
22 Act, Maryland Health Occupations Code (MHOC) sections 8-101 *et seq.*, the Maryland Board
23 issued a Final Order in a matter entitled, *In the Matter of Diane Paige Robinson, License*
24 *Number: R171157*, revoking Respondent's professional nurse license to practice nursing in the
25 State of Maryland. The Order of Revocation of Respondent's license is a public document
26 pursuant to the Maryland Information Act, State Government section 10-611, *et seq.* The
27 Maryland Board found Respondent's practice as a registered nurse dangerous and makes any
28 patient under her care a potential victim under MHOC section 8-316, subdivision (a)(3)(6),

1 knowingly does any act that has been determined by the Board, in its rules and regulations, to
2 exceed the scope of practice authorized to the individual; subdivision (a)(3)(8), does any act that
3 is inconsistent with generally accepted professional standards in the practice of registered
4 nursing; and subdivision (a)(3)(25)(6) performing acts beyond the authorized scope of the level
5 of nursing practice for which the individual is licensed.

6 16. The facts that led to the discipline are as follows. On January 27, 2010, the
7 Maryland Board received a complaint from Respondent's former employer Aureus Nursing in
8 Omaha, Nebraska. The complaint advised that Respondent had been terminated from her
9 assignment at Palo Pinto General Hospital in Mineral Wells, Texas due to unprofessional
10 conduct detailed in paragraphs 8 to 12, above, which are expressly incorporated herein and made
11 part hereof. On February 17, 2010, the Texas Board alerted the Maryland Board that it would be
12 conducting an investigation. On January 10, 2011, pursuant to MSGC section 10-226,
13 subdivision (c)(2), the Maryland Board SUMMARILY SUSPENDED Respondent's individual
14 license to practice REGISTERED NURSING. On January 25, 2011, Respondent attended a
15 hearing before the Maryland Board but failed to show cause why the suspension should not be
16 continued. On January 26, 2011, Respondent was placed on notice of the Maryland Board's
17 decision to continue the suspension. Respondent failed to submit a request for evidentiary
18 hearing despite the warning that if a written request for an evidentiary hearing was not sent
19 within the specified time period, an Order would be issued revoking her license.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

23 1. Revoking or suspending Registered Nurse License Number 743284, issued to
24 Diane Paige Robinson;

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1 2. Ordering Diane Paige Robinson to pay the Board of Registered Nursing the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 3. Taking such other and further action as deemed necessary and proper.
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8 DATED: MARCH 19, 2013

Stacie Ben

fr / LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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